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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,747	05/28/2002	John Christopher McNamee	CU-2717 RJS	4188

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1200
CHICAGO, IL 60604

EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/030,747	MCNAMEE, JOHN CHRISTOPHER	
	Examiner	Art Unit	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-10 in the reply filed on October 28, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

2. The dependency of claims 3, 5, 6, 7, and 8 is unclear. Examiner assumes claims 3, 5, 6, 7, and 8 are dependent on claim 1. Appropriate action is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 10 recites the limitation "the structure of the user menu". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Dugan et al, hereinafter Dugan.

Regarding claim 1, Dugan discloses a mail system or platform (Fig. 1A, 10) accessible by a caller or subscriber (Fig. 1A, 12) using a first communications link (col. 5, lines 34-49), said system including: a plurality of client mail accounts, each client mail account being associated with a client; means for receiving and storing messages in the client mail accounts (col. 5, lines 13-32); means for identifying and verifying the identity of a caller (col. 4, lines 34-50); means for retrieving messages from the client mail accounts (col. 14, line 63 – col. 15, line 30); means for establishing a second communications link from the mail system to an address selected by a caller; means for connecting the caller through the first communications link to the second communications link and thereby to the selected address (col. 15, line 54 – col. 16, line 10); and means for maintaining the first communications link inherently upon termination of the second communications link, wherein the caller has called into the mail system (first communications link) and the ARU (automated response unit) (Fig. 1A, 20) establishes a second communications link with the caller (col. 15, line 54 – col. 16, line 10).

Regarding claim 2, a mail system as claimed in claim 1, wherein Dugan further discloses

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the second communications link connects the caller to one of a limited number of addresses specified by the caller (col. 15, line 54 – col. 16, line 10).

Regarding claim 3, a mail system as claimed in claim 1, wherein Dugan further discloses the first communication link connects a user interface device associated with a caller to the mail system (col. 16, lines 11-34).

Regarding claim 4, a mail system as claimed in claim 3, wherein Dugan further discloses the user interface device is a telephone, cellular phone, pager, computing device, or Wireless Application Protocol (WAP) terminal (col. 16, lines 11-34).

Regarding claim 6, a mail system as claimed in claim 1, wherein Dugan further discloses means for storing messages in the client mail accounts in electronic form such that said messages can be retrieved by a caller using a computing device and a modem (col. 16, lines 11-34; col. 17, lines 8-15).

Regarding claim 7, a mail system as claimed in claim 1, wherein Dugan further discloses means for converting messages stored in electronic form to voice messages so that a caller may retrieve voice messages from the mail system (col. 16, lines 41-44 and lines 48-51).

Regarding claim 8, a mail system as claimed in claim 1, wherein Dugan further discloses voice recognition means adapted to recognize speech and to generate system commands in response to the recognized speech (col. 17, lines 1-7).

7. Claims 9-10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Helferich.

Regarding claim 9, Helferich clearly discloses a mail system (see Fig. 1; col. 3, lines 16-

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33) including: a voice user interface (col. 4, lines 32-43; col. 7, lines 1-15); a graphical user interface (col. 7, lines 51-67); a user menu having a plurality of user selectable options, each user having an associated user menu (col. 3, lines 21-67; col. 5, lines 45-50); means to convey said user menu to a user through said voice user interface (col. 4, lines 32-43; col. 7, lines 1-15) and means to convey said user menu to a user through said graphical user interface (col. 7, lines 51-67); wherein the user menu associated with each user is customizable by the user using either the voice user interface or the graphical user interface (col. 8, lines 1-6).

Regarding claim 10, a mail system as claimed in claim 9, wherein Helferich further discloses a structure of the user menu conveyed through the voice user interface corresponds to a structure of a user menu conveyed through the graphical user interface (col. 3, lines 21-67; col. 4, lines 32-43; col. 5, lines 45-50; col. 7, lines 1-15; col. 7, lines 51-67).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan, as applied to claim 1, and in further view of U.S. Patent Application Publication No. US 2004/0077334 by Joyce et al, hereinafter Joyce.

Regarding claim 5, a mail system as claimed in claim 1, wherein Dugan further discloses the second communications link connects the mail system to an extension of a Public Switched Telephone Network (PSTN) (col. 8, lines 49-57); and means for automatically establishing the

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second communications link between a caller and said extension (col. 15, line 54 – col. 16, line 10).

Dugan does not disclose means for detecting a busy or engaged signal on said extension.

Joyce discloses a telephony platform (Fig. 1, 100) accessible by a caller or customer (Fig. 1, 1) using a first communications link (section 0059, lines 1-21), said platform including: a plurality of client mail accounts, each client mail account being associated with a client; means for receiving and storing messages in the client mail accounts (section 0029, lines 1-17); means for identifying and verifying the identity of a caller (section 0073, lines 1-5); means for retrieving messages from the client mail accounts (section 0074, lines 1-11); means for establishing a second communications link from the mail system to an address selected by a caller; means for connecting the caller through the first communications link to the second communications link and thereby to the selected address (section 0078, lines 1-11); and means for maintaining the first communications link inherently upon termination of the second communications link, wherein the caller has called into the platform (first communications link) and the IN (Intelligent Network) service establishes a second communications link with the caller (section 0077, lines 1-7). Wherein, the platform further discloses means for detecting a busy or engaged signal on a outgoing call, and means for automatically establishing the second communications link between a caller and the outgoing call through said platform when said busy signal or said engaged signal is no longer detected (section 0078, lines 30-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mail system of Dugan to include means for detecting a busy or engaged signal as taught by Joyce. One of ordinary skill in the art would have been lead to make such a

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modification since an automatic callback feature can re-connect the caller to said extension to establish the second communications link.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 5,802,526 by Fawcett et al disclose means to convey a user menu through a voice user interface and a graphical user interface
- U.S. Patent No. 5,625,675 by Katsumaru et al disclose a LAN based multi-media mail system accessible by a user using a first communications link

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

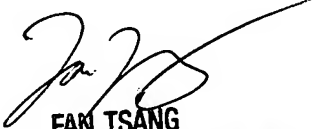
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh

February 18, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600